

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**SEVENTY-THIRD LEGISLATIVE DAY
WEDNESDAY, MARCH 25, 2009**

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Hammond, Keough, LeFavour, Lodge, McGee, Mortimer, and Siddoway, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Whitney Schut, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 24, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 25, 2009

The JUDICIARY AND RULES Committee reports that [S 1162](#) has been correctly printed.

DARRINGTON, Chairman

[S 1162](#) was referred to the Resources and Environment Committee.

March 25, 2009

The JUDICIARY AND RULES Committee reports that [S 1141](#), as amended, has been correctly engrossed.

DARRINGTON, Chairman

[S 1141](#), as amended, was filed for first reading.

March 25, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 14](#), as amended, [S 1141](#), [H 141](#), [H 159](#), and [H 217](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 24, 2009

The FINANCE Committee reports out [H 250](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 250](#) was filed for second reading.

March 24, 2009

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Jerry Whitehead to the Idaho Transportation Board, term to expire January 30, 2015.

MCGEE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 24, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 163](#), [H 222](#), and [H 173](#) with the recommendation that they do pass.

ANDREASON, Chairman

[H 163](#), [H 222](#), and [H 173](#) were filed for second reading.

March 25, 2009

The TRANSPORTATION Committee reports out [H 43](#) and [H 151](#) with the recommendation that they do pass.

MCGEE, Chairman

[H 43](#) and [H 151](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 24, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I am transmitting today to the Office of the Secretary of State, the following Senate Bill, which will be allowed to become law without my signature:

S 1043

within the time limited by law.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 25, 2009

Dear Mr. President:

I transmit herewith [H 255](#), [H 229](#), [H 202](#), [H 230](#), [H 231](#), and [H 252](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 255](#), [H 229](#), [H 202](#), [H 230](#), [H 231](#), and [H 252](#) were filed for first reading.

March 24, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 142](#), [H 87](#), [H 103](#), and [H 104](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 142](#), [H 87](#), [H 103](#), and [H 104](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Hammond, Keough, LeFavour, Lodge, McGee, Mortimer, and Siddoway were recorded present at this order of business.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Terry T. Uhling was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Werk, seconded by Senator Schroeder, the Gubernatorial appointment of Terry T. Uhling as a member of the Idaho Water Resource Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Leonard Beck was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by Senator Werk, the Gubernatorial appointment of Leonard Beck as a member of the Idaho Water Resource Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Vince Alberdi was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Brackett, seconded by Senator Werk, the Gubernatorial appointment of Vince Alberdi as a member of the Idaho Water Resource Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Roger Chase was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bilyeu, seconded by Senator Werk, the Gubernatorial appointment of Roger Chase as a member of the Idaho Water Resource Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

[H 14](#), as amended, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 141](#), as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

[H 159](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[H 217](#), as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

[S 1141](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 255](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 229](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 202](#), [H 230](#), and [H 231](#), by State Affairs Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 252](#), by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1148](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1161](#) and [S 1153](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[H 106](#), as amended, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

[H 72](#), by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 213](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1154](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[S 1159](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

[H 46](#), as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1158](#), by Finance Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[H 185](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKenzie, Mortimer, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 32.

NAYS—Fulcher, McKague, Pearce. Total - 3.

Total - 35.

Whereupon the President declared [H 185](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, Senate bill [S 1158](#) was placed at the head of the Third Reading Calendar, followed by all remaining Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 10 a.m., Thursday, March 26, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary